

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:23-cv-1064

MARY BETH BERGMAN,

Plaintiff,

vs.

GEORGE REESER MOFFITT, III and
MICHELE MOFFITT,

Defendants.

MOTION FOR SUMMARY JUDGMENT

Defendants move for summary judgment as there is no issue of material fact for trial:

1. Michele Moffitt was not on the boat during the sea trial and there are no viable claims against her.
2. Plaintiff and Defendant George Moffit have testified that the waves the vessel hit were rogue waves and not could not be avoided before the accident.
3. There is no fact or expert testimony to establish the scope of the duty owed to Plaintiff during this sea trial.
4. There is no fact or expert testimony that establishes a breach of any duty owed to Plaintiff.

Respectfully submitted this the 13th day of November, 2024.

CROSSLEY McINTOSH COLLIER HANLEY & EDES, PLLC

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will deliver to the following counsel via electronic mail:

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On this 12th day of November, 2024.



Andrew Hanley